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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,314	01/23/2004	Matthew B. Studholme	T2316-907194US02	4642

7590 03/23/2006

MILES & STOCKBRIDGE P.C.  
Suite 500  
1751 Pinnacle Drive  
McLean, VA 22102-3833

EXAMINER
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WOODWARD, ANA LUCRECIA

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,314

Applicant(s)

STUDHOLME ET AL.

Examiner

Ana L. Woodward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/23/2004
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 105-133 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 105-133 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 105-133 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 105, section c), the language “mixtures of inorganic and organic pigments” appears redundant given the antecedently recited “at least one colorant”.

In claim 105, the metes and bounds of the “polymeric compatibilising additive” are indeterminate in scope. As presently recited, no distinction can be seen between said additive and the other polymeric components of the claim.

In claim 106, no distinction can be seen between the metal sulphonate polyester and the thermoplastic polyester b) of the claim.

In claim 107, the language “blends and mixtures thereof” appears redundant given the antecedently recited “at least one polymeric compatibiliser”.

In claim 110, the metes and bounds of the “carrier resin” are indeterminate in scope. As presently recited, no distinction can be seen between said resin and the other polymeric components of the claim.

In claim 111, no distinction can be seen between the carrier resin and the other polymers of the claim.

In claim 111, the language “blends and mixtures thereof” appears redundant given the antecedently recited “at least one polymeric carrier resin”.

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In claim 113, the language “blends and mixtures thereof” appears redundant given the antecedently recited “at least one fiber-forming polyamide”.

In claims 115 and 116, the language “blends or mixtures thereof” appears redundant given the antecedently recited “at least one thermoplastic polyester”.

In claim 121, the language “or mixtures thereof” appears redundant given the antecedently recited “at least one adjuvant”.

***Claim Rejections - 35 USC § 102/103***

2. Claims 105-133 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 96/17982.

WO '982 discloses a pigmented fiber-forming blend useful for making pile yarn for carpet comprising a nylon polymer, a sulfonated non-nylon polymer and about 0.1% to about 5.0% of a pigment. Preferably, the sulfonated polymer is present in the fiber-forming matrix in an amount of about 2% to about 10% by weight based on the total weight of the polymeric fiber-forming matrix. Suitable nylons include nylon 6, nylon 6,6, etc. (pages 2-3), which fulfill the presently claimed polyamide as well as carrier resin. The sulfonated non-nylon polymer includes sulfonated polyesters as set forth at pages 3-4, which fulfill the presently claimed thermoplastic polyester, polymeric compatibilising additive and carrier resin. The pigments include well-known inorganic and organic pigments (page 5).

The disclosure of the reference meets the requirements of the present claims in terms of the types of materials added and their contents as defined when components b) and d) read on one and the same entity and when the carrier resin reads on the same entity as either the fiber-forming polyamide, thermoplastic polyester or polymeric compatibiliser. The onus is shifted to

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applicants to establish that the products of the present claims are not the same as or obvious from those set forth by the reference.

The sulfonated polyester of the reference has a sulfur content of from about 1.5% by weight to about 4.0% by weight sulfur based on the total weight of the sulfonated polymer and, as such, is deemed to meet the sulfur content set forth in present claim 109.

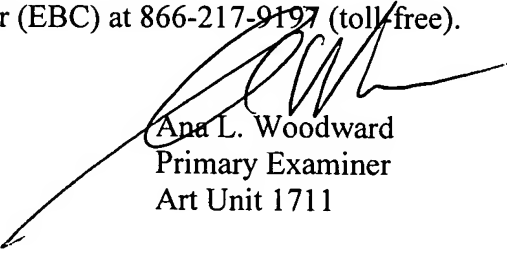
The fibers of the reference are preferably utilized in the manufacture of carpet and, as such, further processing for this utility, e.g., texturing, is preferred.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Ana L. Woodward  
Primary Examiner  
Art Unit 1711